

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHADNEY HAMER,

Plaintiff,

v.

CAROL GRIFFS, *et al.*,

Defendants.

Case No. 22-12106

F. Kay Behm

United States District Judge

Kimberly G. Altman

United States Magistrate Judge

**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE’S APRIL 5, 2023 AND APRIL 11, 2023
REPORTS AND RECOMMENDATIONS (ECF Nos. 64, 65)**

Currently before the Court are Magistrate Judge Kimberly G. Altman’s April 5, 2023 and April 11, 2023 Reports and Recommendations. (ECF Nos. 64, 65). In the April 5 Report and Recommendation, Judge Altman recommends (1) granting Plaintiff’s motion to dismiss Corizon as a Defendant in this matter and to add Wellpath Health Services as a Defendant; (2) denying Corizon’s motion to dismiss as moot; and (3) denying in part as moot Defendants’ motion to withdraw and for a stay. Judge Altman explains that even though there is an automatic stay in place because Corizon has filed for bankruptcy, Corizon can be dismissed as a defendant from this matter under well-established law. *See* ECF No. 64, PageID.650-651 (citing *Dennis v. A.H. Robins Co., Inc.*, 860 F.2d 871, 872 (8th Cir.

1988); *Indep. Union of Flight Attendants v. Pan Am. World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992)). Given this recommendation, Judge Altman also concludes that Corizon's motion to dismiss is moot, as is the motion for withdrawal of attorney and for 120-day stay as to Corizon. (ECF No. 64, PageID.653-654).¹ In the April 11 Report and Recommendation, Judge Altman recommends granting in part and denying in part Defendants' motion for summary judgment, dismissing Defendant Griffes² with prejudice, and dismissing Defendants Kootner and Rubley from this matter without prejudice. (ECF No. 65).

The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections within the time allowed. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with Judge Altman's recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Reports and Recommendations (ECF Nos. 64, 65) and (1) **GRANTS** Plaintiff's motion to dismiss

¹ Judge Altman does not address the motion to withdraw and for a stay as to Defendant Herro in this Report and Recommendation and indicates that it will be decided at a later date. (ECF No. 64, PageID.654, n. 2). She did so on April 13, 2023. (ECF No. 67).

² As spelled in the motion for summary judgment.

Corizon as a Defendant and add Wellpath Health Services as a Defendant (ECF No. 39); (2) **DENIES** Corizon's motion to dismiss as moot (ECF No. 30); (3) **DENIES** in part as moot Defendants' motion to withdraw and for a stay as to Corizon only (ECF No. 62); (4) **GRANTS** in part and **DENIES** in part Defendants' motion for summary judgment (ECF No. 23), **DISMISSES** Defendant Griffes with prejudice, and **DISMISSES** Defendants Kootner, and Rubley from this matter without prejudice.

SO ORDERED.

Date: May 5, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge